

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

MICHAEL J. CORBETT

Movant,

v.

CIVIL ACTION NO. 5:05-00227

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

By Standing Order entered on July 21, 2004, and filed in this case on March 17, 2007, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of Proposed Findings and Recommendation ("PF&R"). Magistrate Judge VanDervort submitted his PF&R on October 4, 2007. (Doc. No. 162.) In that PF&R, the magistrate judge recommended that this court 1) deny movant's Motion for Relief from Judgment Under Rule 60(b) and Coram Nobis, 2) deny movant's Motion for Stay of Final Pending Final Ruling on Motions for Relief from Judgment Under Rule 60(b) and Coram Nobis, and 3) dismiss this matter from the court's docket. (Id. at 4-5.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. No party has filed objections within the


requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a *de novo* review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985).

Having reviewed the PF&R filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **DENIES** movant's Motion for Relief from Judgment Under Rule 60(b) and Coram Nobis (Doc. No. 136); **DENIES** movant's Motion for Stay of Fine Pending Final Ruling on his motion for relief from judgment under Rule 60(b) and Coram Nobis (Doc. No. 137); and **DISMISSES** this matter from the court's active docket.

The Clerk is directed to remove this matter from the court's active docket, and to forward a certified copy of this written Memorandum Opinion and Order to counsel of record and to the plaintiff, *pro se*.

It is **SO ORDERED** this 6th day of November, 2007.

ENTER:

  
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David A. Faber  
United States District Judge